

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

v.

NICK GARZA

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§

C.R. NO. C-07-635M

ORDER OF DETENTION PENDING TRIAL

On November 6, 2007, a detention hearing was held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of defendant pending trial in this case:

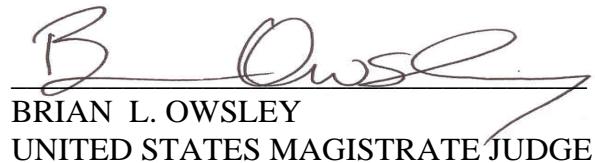
- (1) There is probable cause to believe the defendant committed an offense for which a term of imprisonment ranges between five years and forty years pursuant to 21 U.S.C. § 841(b)(1)(B).
- (2) There is probable cause to believe the defendant committed an offense of felon in possession with a firearm in violation of 18 U.S.C. § 922(g)(1).
- (3) Defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report as well as the testimony by Special Agent Jeffrey Nardiello are adopted. Defendant denied illicit drug use, and was stopped with powder and crack cocaine in amounts consistent with intent to distribute as well as in possession of a firearm. Additionally, defendant was overheard making threats against individuals that he

believes are responsible for his arrest.

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on a request of an attorney for the Government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 6th day of November 2007.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE